

1 Plaintiff's "Statement of Recent Decision" (Dkt. 42) offers—at best—a distorted
 2 representation of Judge White's March 28, 2023 Order in the *Stebbins v. Rebolo* litigation (Case
 3 No. 4:22-cv-00546-JSW, Dkt. 30, the "Order"). As discussed in Google's pending Motion to
 4 Dismiss (Dkt. 31), Judge White previously dismissed Plaintiff's copyright claims in *Rebolo* in a
 5 screening order under 18 U.S.C. § 1915(e)(2)(B), finding that "much of the alleged infringement
 6 is plainly fair use criticism" and that "Plaintiff's attempt to manufacture and pursue ultimately
 7 meritless copyright infringement claims in an effort to silence online criticism smacks of bad faith
 8 and abuse of the Court system." *Stebbins v. Rebolo*, No. 4:22-cv-00546-JSW, 2022 WL 2668372,
 9 at *3 (N.D. Cal. July 11, 2022); *see also* Dkt. 31 at 2, 5-7, 11, 14. Plaintiff argues that because the
 10 new Order vacates Judge White's previous judgment in *Rebolo*, it renders Google's "argument"
 11 about *Rebolo* "no longer valid." Dkt. 42 at 1. That is incorrect.

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 13 The Order expressly rejects each of Plaintiff's substantive arguments for reconsideration
 14 of Judge White's earlier dismissal order and entry of final judgment. *See* Order at 2-3. While it
 15 vacates the judgment and permits Plaintiff a "final opportunity" to attempt to amend *certain*
 16 claims, it does so only "in light of the Ninth Circuit's admonition that *pro se* litigants should be
 17 granted leave to amend[.]" Order at 3. Indeed, the Order expressly states that "Plaintiff has not
 18 provided any additional information suggesting that he can cure the defects in his pleading through
 19 amendment, and the Court has doubts about his ability to do so." *Id.* In short, nothing in Judge
 20 White's *Rebolo* Order renders Google's discussion of *Rebolo* invalid or supports Plaintiff's
 21 copyright claim in this case.¹

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 27 ¹ Judge White also issued an order in the *Stebbins v. Polano* case on March 28, 2023, which fully
 28 denied Plaintiff's motions for reconsideration and relief from judgment. Case No. 4:21-cv-
 04184-JSW, Dkt. 186. Plaintiff's Statement does not mention or attach that order.

1 Dated: March 30, 2023

Respectfully submitted,

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